

REMARKS

Applicants express appreciation to the Examiner for the courtesy of the Interview of June 26, 2003. The Office Action of April 3, 2003 rejected claims 6, 9-11, 14-16, 18, 19, and 21-22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,470,120 (Green). Claims 12-13, 20, and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,272,264 (Li). Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Li. Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Green.

Claim 1 is directed to an apparatus for tuning an optical element to a desired response. As required by claim 1, a filter module, including a thin-film filter, has a convex surface that is configured to fit with a concave surface of a second optical module. The convex surface of the filter module and the concave surface of the second optical module allow the filter module to be aligned with respect to an axis passing through the thin film filter. The filter module can also be aligned by rotating the thin film filter about the axis. Thus, the thin-film filter can be tuned to a particular response by moving the optical element in at least one of the directions enabled by the convex surface of the optical element and the concave surface of the second optical module.

The amendment to claim 1, as noted in the Interview Summary, overcomes the cited art of record. As further agreed in the interview, the other independent claims have been amended by this paper to require limitations that are not taught or suggested by the art or record. More specifically, claim 6 has been amended to recited that the optical element have a convex surface that fits with the concave surface of a module. Claim 12 has been amended to require that a filter module and a collimator form a ball end joint such that the filter module can move with two degrees of freedom in the ball end joint and maintain contact with the collimator. Claim 14, 16, 18, and 21 have been amended in a similar manner as discussed at the interview.

New claim 24 has been added and relates to an optical element that can be tuned to a particular response. Claim 24 requires that the optical element have a housing with an end shaped to form a joint with a light source such that a filter contained in a housing can be rotated about a center of rotation and tilted with respect to the light source to tune the filter to a particular response. In view of the interview, claim 24 is neither taught or suggested by the art of record.

As a result, claims 1-6, 8-18, and 18-26 are believed to be in condition for allowance. Entry of the amendment and favorable reconsideration of the pending claims is respectfully requested. In the event that the Examiner finds any remaining impediment to allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 4<sup>th</sup> day of August 2003.

Respectfully submitted,



CARL T. REED  
Attorney for Applicant  
Registration No. 45,454

WORKMAN NYDEGGER  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Telephone: (801) 533-9800  
Facsimile: (801) 328-1707

CTR:dfw  
W:\15436\249.26\DFW000007168V001.doc